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SUBJECT: DRC SUPREME COURT REINSTATES KASAI OCCIDENTAL
GOVERNOR TO OFFICE

REF: A. KINSHASA 642

[1](#)B. KINSHASA 932

[1](#)1. (U) The DRC's Supreme Court in July 31 technical ruling declared unconstitutional a no-confidence motion adopted June 7 by the Kasai Occidental provincial assembly against Governor Tresor Kapuku, a member of the pro-Kabila Alliance for the Presidential Majority (AMP) election coalition (ref A). The original motion forced Kapuku out of office according to the rules of the DRC's constitution. Kapuku subsequently appealed to the provincial court of appeals, which then referred the case to the Supreme Court for a final decision. The court's ruling reinstates Kapuku to his position.

[1](#)2. (U) The court's decision, released publicly August 6, stated that the no-confidence measure was unlawful because Kapuku had at the time not presented his plan of government to the provincial assembly, nor had the assembly approved Kapuku's government. According to the DRC's constitution, a governor officially enters into function after the provincial assembly adopts the governor's program. Therefore, the court argued, the assembly had no legal basis on which to hold a no-confidence vote, as Kapuku had not been officially inducted as governor. The court did not rule on the merits of the measure itself, which charged that Kapuku had committed "flagrant acts of contempt" against the provincial assembly as well as other violations of the constitution.

[1](#)3. (U) MONUC officials in Kananga, the provincial capital, reported a muted reaction to the decision among the population, as most are focused on the August 1 train accident in the western part of the province that claimed nearly 100 lives (ref B). Assembly President Omer Mijimbu, a member of the political opposition, announced earlier on July 31 that deputies aligned with the pro-Bemba Union for the Nation (UpN) alliance would not question the court's ruling. Members of the UpN coalition originally forced a vote on the no-confidence measure, even though the AMP holds a narrow majority in the assembly.

[1](#)4. (SBU) Kapuku, who was returning to the province from Kinshasa August 7 to survey the accident site, was not available for comment. In an August 4 meeting with PolOff, Kapuku did not reveal that he knew of the court's decision when asked directly. Instead, he said that should the court rule in his favor, he intended to work closely with members of the majority and the opposition to avoid repeating the problems that led to the no-confidence measure.

[1](#)5. (SBU) Comment: The court's ruling in favor of Kapuku was never particularly in doubt. The more important question now is how Kapuku will be able to govern effectively with a provincial assembly -- already sharply divided between the

AMP and the political opposition -- that tried to oust him.
End comment.
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